

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD NELLSON, #31408-007

Plaintiff,

v.

U.S. FEDERAL BUREAU OF PRISONS,
et al.,

Defendants.

:
: CIVIL ACTION NO. 3:20-CV-963
:
: (JUDGE MARIANI)
: (Magistrate Judge Saporito)
:
:
:
:
:

FILED
SCRANTON

FEB 15 2022

Per

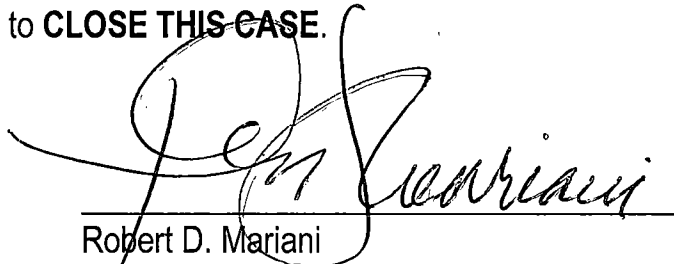

DEPUTY CLERK

ORDER

AND NOW, THIS 15th DAY OF FEBRUARY 2022, upon consideration of Magistrate Judge Joseph Saporito's Report and Recommendation ("R&R") (Doc. 98) for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 98) is **ADOPTED** for the reasons set forth therein;
2. Dr. Hlavac's motion to dismiss (Doc. 69) is **GRANTED**;
3. Plaintiff's *Bivens* claim against Dr. Hlavac set forth in Count I of the amended complaint (Doc. 55) is **DISMISSED** for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6);
4. The federal defendants' Motion to Dismiss and/or for Summary Judgment (Doc. 79) is **GRANTED**;

5. Plaintiff's state-law tort claims against the United States set forth in Counts II, III, and IV of the amended complaint are **DISMISSED** for lack of subject matter jurisdiction pursuant to 12(b)(1) of the Federal Rules of Civil Procedure;
6. The Clerk of Court is directed to **ENTER JUDGMENT** in favor of Defendants Dr. Sommer and PA-C Walters and against Plaintiff on Plaintiff's *Bivens* claims against Dr. Sommer and PA-C Walters set forth in Count I of the amended complaint (Doc. 55);
7. The Clerk of Court is directed to **CLOSE THIS CASE.**



Robert D. Mariani
United States District Judge